

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **In re Hackney**
Docket No. **307877**
L.C. No. **02-011244-FC**

William C. Whitbeck, Judge, acting under MCR 7.211(E)(2), orders:

The motion for reconsideration is DENIED. Plaintiff's filing of his original complaint for superintending control in this Court constituted the filing of a civil action. MCR 3.301(A)(1)(a). Thus, because plaintiff is a prisoner of the Department of Corrections, his filing of the present case is subject to the requirements of MCL 600.2963. See MCL 600.2963(1). Notably, as indicated in this Court's February 3, 2012 order, if plaintiff does not wish to proceed with his original complaint for superintending control in this Court, he may simply refrain from paying the \$39 initial partial filing fee and refile the pleadings that were returned to him. If plaintiff does not pay the initial partial filing fee and refile the returned pleadings, this case will be closed-out as if it had never been initiated and plaintiff will not be responsible for payment of any entry fee to this Court.

However, if plaintiff wishes to proceed with this case, he shall pay the \$39 initial partial filing fee and refile the pleadings returned to him as required by the February 3, 2012 order within 14 days of the date of this order.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 29 2012

Date


Chief Clerk